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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 09/526,780 | 03/16/2000 | Edward O. Clapper | INTL-0359-P1-US (P7596X) | 1757 |
| 7590 | 04/06/2004 | | EXAMINER | |
| Timothy N Trop Trop Pruner & Hu PC Ste 100 8554 Katy Freeway Houston, TX 77024 | | | PATEL, NITIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2673 | |
| DATE MAILED: 04/06/2004 | | | | |

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/526,780

Filing Date: 03/16/2000

Appellant(s): CLAPPER

Timothy N. Trop

For Appellant

MAILED

APR 6 2004

Technology Center 2600

EXAMINER'S ANSWER

This is in response to the appeal brief filed on February 23, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

None

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1,18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

Brusky et al.

6,111,569

08-2000

| | | |
|----------|--------------|---------|
| Bartlett | 6,347,290 B1 | 02-2002 |
| Henty | 6,094,156 | 07-2000 |

(10) *Grounds of Rejection*

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,6-9,18-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky et al., (U.S. Patent No. 6,111,569) in view of Bartlett (U.S. Patent No. 6,347,290).

As per claims 1,18 Brusky shows a wireless peripheral (wireless keyboard In Fig.1 element 70) for a receiver (in Fig.1 element 10) having a housing; only one keyboard defined in the housing (In Fig.1 element 70), the keyboard providing different functionalities (in Col.2 lines 5-15) and a pair of wireless interfaces (Infrared wireless keyboard In Col.3 lines 40-44) that transmit wireless signals directed at sufficiently spaced angles (In Fig.1 three Infrared transmitter with different angles) with respect to one another to enable signal (In Fig.1 element 70 and three IR emitters) and receiver to receive signals (In Fig.1 element 10 and In Col.2 lines 40-57). Brusky did not explicitly

disclose that the receiver distinguishes the different signals transmitted from the wireless interface. However, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made to have recognize that Brusky's remote control can be used to select different device (such as T.V or VCR etc.) using different device codes (same as different signals) and the receiver will distinguished the different codes (different signals) to determined which device was selected. (See Col.2 lines 3-17, col.3 lines 11-26).

Brusky has failed to teach the keyboard providing different functionalities depending on the orientation of the housing. Bartlett clearly states that it is well known for a keyboard to provide different functionalities depending upon the orientation with the housing (In Abstract and In Col.3 lines 29-45 and lines 56-67 and in Col.4 lines 49-67 and In col.5 lines 38-42 and in col.6 lines 4-12 and lines 20-23). Therefore, It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to incorporate the teaching of Bartlett's into the device of Brusky's because this will allow the user to determine a series of position commands that correspond to the series of orientations of the device.

As per claim 6, Brusky shows a controller connected to a keyboard (In col.2 lines 51-57).

As per claims 7,8,19 Brusky shows wireless interfaces are infrared and angled sufficiently that one signal is detected by a receiver (In col.2 lines 45-47 and In col.3 lines 10-25).

As per claim 9, Brusky shows the interfaces are at an angle of 45 degrees (In fig.1).

3. Claims 10,20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky et al., (U.S. Patent No. 6,111,569) in view of Bartlett (U.S. Patent No. 6,347,290) in further view of Henty (U.S. Patent No. 6,094,156).

As to claim 10 and 20, Neither Brusky nor Bartlett shows a keyboard has at least two different orientations such that the keyboard is arranged to a user in each of the orientation that a different one of the interface is aligned with the receiver. Henty shows keyboard has at least two different orientations such that the keyboard is arranged to a user in each of the orientation that a different one of the interface be aligned with the receiver (in fig.1a, 1b, 2a and In fig.5a, 4,5b and In Col.3 lines 10-67 to col.4 lines 1-67). Thus, It would have been obvious to one of ordinary skill in that art, at the time of the invention was made to have combine teaching of Henty's into the device of Brusky's and Bartlett's because this will provide Brusky's keyboard with more functions with out processing different keys.

Response to Arguments

Appellant argument that Brusky does not teach different commands from wireless interface, The Examiner strongly disagrees with Appellant's assertion in Claims 1,18 does not have the limitation that wireless interface generating different commands, in fact claims 1,18 limitation states a pair of wireless interface that transmit wireless signals directed at spaced angle with respect to one to enable the receiver.

Appellant also argument that Bartlett does not teach any wireless signals, Examiner would like to point out that Bartlett prior art only used to teach orientation of the housing providing different functionality. As to the wireless signals, Brusky's is the one which is cited to teach the recited claim.

Appellant argument that Brusky does not teach different commands from wireless interface, Appellant also further argues, no signal generated by pair of wireless interface at spaced angles. Examiner would like to point out that in claims 1,18 does not have the limitation that wireless interface generating different commands, in fact claims 1,18 limitation says a pair of wireless interface that transmit wireless signals directed at spaced angle with respect to one to enable the receiver. However, Brusky's clearly teaches a pair of wireless interface (In Fig.1 element 70 that transmit wireless signal)(Col.3 lines 11-26) directed at sufficiently space angle (in Fig.1 element 70 in which three IR at a different angles) with respect to one another to enable said receiver to distinguish one of said from the other of said signals (In. Col.2 lines 3-17, Col.3 lines 11-26). In which Brusky's remote control can be used to select different device (such as T.V or VCR etc.) using different device codes (same as different signals) and the receiver will distinguished the different codes (different signals) to determined which device was selected. (See Col.2 lines 3-17, col.3 lines 11-26).

Respectfully Submitted

Application/Control Number: 09/526,780
Art Unit: 2673

Page 7

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